

XVIII. HEARINGS RELATED TO LEA ELIGIBILITY

It is the policy of the State of Iowa that final approval relating to any Part B IDEA plan or application submitted by an area education agency (AEA) or local education agency (LEA) is granted by the State Board of Education. Prior to the submission of such a plan or application to this board for final action, the plan or application is reviewed by the staff of the Bureau of Children, Family and Community Services of the Department of Education. During this review process the applicant agency is afforded an opportunity to resolve any problems associated with the agency's proposal. Technical assistance is made available to applicant agencies during all phases of plan/application development so as to assure compliance with all statutory or regulatory requirements.

The applicant agency shall be notified in the event that the Department of Education intends to recommend disapproval of the plan/application. The notice will include the date of the meeting that the State Board of Education will consider the recommendation. If the applicant agency wishes to dispute the Department of Education's recommendation, the agency may request a hearing of the action in question.

The following are the procedures of the Iowa Department of Education in providing for a hearing in the event an application would be recommended for disapproval:

- a) The applicant shall request the hearing within 30 days of the action of the State Education Agency (SEA).
- b) Within 30 days after it receives a request, the SEA shall hold a hearing on the record and shall review its action.
- c) No later than 10 days after the hearing, the SEA shall issue its written ruling, including findings of fact and reasons for the ruling.
- d) If the SEA determines that its action was contrary to State or Federal statutes or regulations that govern the applicable program, the agency shall rescind its action.
- e) If the SEA does not rescind its final action after a review, the applicant may appeal to the Secretary of Education, U.S. Department of Education as provided under CFR76.401(d). The applicant shall file a notice of the appeal with the Secretary within 20 days after the applicant has been notified by the SEA of the results of the agency's review. If supported by substantial evidence, findings of fact of the SEA are final.
- f) The State of Iowa shall make available at reasonable times and places to each applicant all records of the agency pertaining to any review or appeal this applicant is conducting under this section including records of other applicants.

When it has been determined that an agency's proposed plan/application meets all relevant rules and regulations, both State and Federal, Department of Education submits the proposal to the State Board with the recommendation that approval be granted for funding.

Legal References

Federal Requirements

20 USC 1412(a)(12).....	Procedural requirements for LEA eligibility
20 USC 1413(c)	Notification of an LEA
20 USC 1413(d)	LEA compliance
20 USC 1413(g)	School based improvement plans
20 USC 1451(b)	Purposes of a school based improvement plan
34 CFR 76.401(d)	Opportunity for hearing
34 CFR 76.700	State procedures to ensure compliance
34 CFR 76.702	General administrative responsibilities
34 CFR 300.144	Hearings related to LEA eligibility

Iowa Requirements

Iowa Administrative Rules of Special Education
281-41.22 – AEA eligibility for federal funds